



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES HARRIS SMITH, JR.,
aka "James Smith,"
aka "Ashton A. Lee,"
aka "Big J,"
aka "Bugsy,"

Defendant.

2:20-CR-321-KJD-EJY

Preliminary Order of Forfeiture

This Court finds James Harris Smith, Jr., aka "James Smith," aka "Ashton A. Lee," aka "Big J," aka "Bugsy," pled guilty to Count One of a One-Count Criminal Indictment charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Indictment, ECF No. 11; Change of Plea, ECF No.33; Plea Agreement, ECF No. 35.

This Court finds James Harris Smith, Jr., aka "James Smith," aka "Ashton A. Lee," aka "Big J," aka "Bugsy," agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 11; Change of Plea, ECF No. 33; Plea Agreement, ECF No. 35.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and the offense to which James Harris Smith, Jr., aka "James Smith," aka "Ashton A. Lee," aka "Big J," aka "Bugsy," pled guilty.

1 The following property is any firearm or ammunition involved in or used in any
2 knowing violation of 18 U.S.C. § 922(g)(1) and is subject to forfeiture pursuant to 18 U.S.C.
3 § 924(d)(1) with 28 U.S.C. § 2461(c):

- 4 1. a Ruger LCR model .357 caliber revolver, bearing serial number 546-22249;
- 5 2. a Remington Model 870 Wingmaster 12 gauge shotgun, bearing serial
6 number S219878V;
- 7 3. an Iver Johnson Target Model 55 .22 caliber revolver, bearing serial number
8 H2547, and
- 9 4. any and all compatible ammunition

10 (all of which constitutes property).

11 This Court finds that on the government's motion, the Court may at any time enter
12 an order of forfeiture or amend an existing order of forfeiture to include subsequently
13 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
14 32.2(b)(2)(C).

15 This Court finds the United States of America is now entitled to, and should, reduce
16 the aforementioned property to the possession of the United States of America.

17 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
18 DECREED that the United States of America should seize the aforementioned property.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
20 rights, ownership rights, and all rights, titles, and interests of James Harris Smith, Jr., aka
21 "James Smith," aka "Ashton A. Lee," aka "Big J," aka "Bugsy," in the aforementioned
22 property are forfeited and are vested in the United States of America and shall be safely held
23 by the United States of America until further order of the Court.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
25 of America shall publish for at least thirty (30) consecutive days on the official internet
26 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
27 describe the forfeited property, state the time under the applicable statute when a petition
28 contesting the forfeiture must be filed, and state the name and contact information for the

1 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
2 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
3 the government may instead serve every person reasonably identified as a potential claimant
4 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
5 Rule G(4)(a)(i)(A).

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
7 or entity who claims an interest in the aforementioned property must file a petition for a
8 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
9 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
10 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
11 right, title, or interest in the forfeited property and any additional facts supporting the
12 petitioner's petition and the relief sought.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
14 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
15 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
16 not sent, no later than sixty (60) days after the first day of the publication on the official
17 internet government forfeiture site, www.forfeiture.gov.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
19 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
20 Attorney's Office at the following address at the time of filing:

21 Daniel D. Hollingsworth
22 Assistant United States Attorney
23 James A. Blum
24 Assistant United States Attorney
25 501 Las Vegas Boulevard South, Suite 1100
26 Las Vegas, Nevada 89101.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
26 described herein need not be published in the event a Declaration of Forfeiture is issued by
27 the appropriate agency following publication of notice of seizure and intent to
28 administratively forfeit the above-described property.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED December 21, 2021.

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6 KENT J. DAWSON
7 UNITED STATES DISTRICT JUDGE
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